

REMARKS

Applicants' note for the record that the claim amendments that Applicants are attempting to get considered by the Examiner date back to an Amendment that was filed on November 5, 2007, in response to an Office Action that was dated **May 4, 2007**. When Applicants' filed their February 27, 2009 Response to Notice of Non-Compliant Amendment mailed February 12, 2009, the claims presented in that response were reflective of the status of the claims at the time those claim amendments were first presented, as there have been no further substantive Office Actions on the merits of this application issued by the Examiner since the Office Action that was mailed May 4, 2007.

Applicants are aware that the Restriction Requirement, mailed June 25, 2008, was issued in this application in between the time that Applicants' responded to the first Notice of Non-Compliant Amendment mailed January 16, 2008 (see Response filed February 22, 2008) and the time that Applicants' responded to the second Notice of Non-Compliant Amendment mailed February 12, 2009 (see Response filed February 27, 2009). When Applicants responded to that Restriction Requirement on November 25, 2008, Applicants elected the daily IL-2 administration protocol as the elected species to be examined, noting that claims 20-24, 26, 28-35, 40, and 42-44 are readable thereon. However, no further amendments were made to the claims at that time.

Applicants' Response to Notice of Non-Compliant Amendment dated February 27, 2009, is now objected to for a third time as being non-compliant. The basis for this most recent objection is that Applicants have failed to provide the proper status identifiers for claims 37 and 38, as these claims are now withdrawn from consideration. Applicants respectfully note, again, that the claim amendments presented in the Response to Notice of Non-Compliant Amendment dated February 27, 2009, are reflective of those presented in a response originally dated November 5, 2007, at which time claims 37 and 38 were not subject to restriction. Accordingly, Applicants believe that the proper status identifier (i.e., "Previously presented") was indicated in the listing of claims that was resubmitted in the February 27, 2009 Response.

Rather than request reconsideration of this Notice of Non-Compliant Amendment, Applicants in good faith present a resubmission of the "Amendments to the Claims" section, wherein the status identifier for claims 37 and 38 is "Withdrawn". As Applicants have thereby

attempted to address the Examiner's objection, Applicants wish to bring to the Examiner's attention the newly presented status identifier for **claim 36**. As noted above, when Applicants' responded to the Restriction Requirement, daily IL-2 administration was the elected species. However, claim 36 is not among the claims that are readable on the elected invention. Rather, claim 36 is directed to thrice-weekly IL-2 administration, and thus belongs with claims 37 and 38. Accordingly, in keeping with the Examiner's assertion that claims drawn to the non-elected invention should now be given "Withdrawn" as the proper status identifier, the resubmission of the "Amendments to the Claims" section shows "Withdrawn-currently amended" as the status identifier for claim 36.

Claims 20-24, 26, 28-38, 40, and 42-44 are now pending in the application; of these, claims 36-38 are withdrawn from further consideration. Applicants believe that the "Amendments to the Claims" section provides a complete listing of the claims with the proper status identifiers that the Examiner has required by way of this most recent Notice of Non-Compliant Amendment. Accordingly, the Examiner is respectfully requested to enter this replacement "Amendments to the Claims" section into the record of the above-identified application and to proceed with examination of this application in accordance with these amendments and in view of the comments provided in the Amendment Under 37 C.F.R. §1.121 filed November 5, 2007.

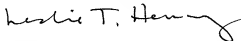
If the Examiner is of the opinion that the listing of claims presented herein warrants the issuance of yet another Notice of Non-Compliant Amendment, Applicants respectfully request that the Examiner first contact the undersigned representative to expedite a resolution to any further objections so that prosecution on the merits of this case can resume.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of

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this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Leslie T. Henry", with a stylized flourish at the end.

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